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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 ARTHUR JOSEPH BREWER,

10 Petitioner,

11 vs.

12 BRIAN E. WILLIAMS, et al.,

13 Respondents.
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Case No. 2:14-cv-01871-APG-VCF

ORDER

15 Petitioner has submitted an application to proceed in forma pauperis (#1) and a petition for a
16 writ of habeas corpus pursuant to 28 U.S.C. § 2254. The court finds that petitioner is unable to pay
17 the filing fee. The court has reviewed the petition, and the court will refer the matter to the Court of
18 Appeals for the Ninth Circuit because the petition is successive.

19 Petitioner is challenging the validity of a judgment of conviction in the Eighth Judicial
20 District Court of the State of Nevada, Case No. 06C223499, for one count of possession of a stolen
21 vehicle. Petitioner challenged the same judgment of conviction in Brewer v. Williams, Case No.
22 2:11-cv-01556-PMP-PAL. The court dismissed that action because it was untimely pursuant to 28
23 U.S.C. § 2244(d). Petitioner appealed that dismissal. Both this court and the Court of Appeals for
24 the Ninth Circuit denied a certificate of appealability.

25 “[D]ismissal of a section 2254 habeas petition for failure to comply with the statute of
26 limitations renders subsequent petitions second or successive for purposes of . . . 28 U.S.C. §
27 2244(b).” McNabb v. Yates, 576 F.3d 1028, 1030 (9th Cir. 2009). Petitioner must first obtain
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1 authorization from the court of appeals before this court can consider his petition. 28 U.S.C. § 2244(b)(3)

2 IT IS THEREFORE ORDERED that the application to proceed in forma pauperis (#1) is
3 **GRANTED**. Petitioner need not pay the filing fee of five dollars (\$5.00).

4 IT IS FURTHER ORDERED that the clerk of the court shall file the petition for a writ of
5 habeas corpus pursuant to 28 U.S.C. § 2254.

6 IT IS FURTHER ORDERED that the clerk shall add Catherine Cortez Masto, Attorney
7 General for the State of Nevada, as counsel for respondents.

8 IT IS FURTHER ORDERED that the clerk shall electronically serve respondents with a
9 copy of the petition and a copy of this order. No response by respondents is necessary.

10 IT IS FURTHER ORDERED that, pursuant to Circuit Rule 22-3(a), the clerk of the court
11 shall refer this action to the United States Court of Appeals for the Ninth Circuit.

12 IT IS FURTHER ORDERED that the clerk of the court shall administratively close this
13 action.

14 DATED: 12/31/14



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17 ANDREW P. GORDON
United States District Judge
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